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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Application No. 10/676,211

Applicant: Chesley P. Dillon

Filed: October 1, 2003

TC/AU: 2617 (Confirmation No. 9698)

Examiner: CAI, WAYNE HUU

Docket No.: 252040 (Client Reference No. GP-303949)

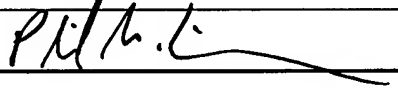
Customer No.: 23460

APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated August 24, 2006, and in response to the 41.37 notification mailed on July 13, 2007, Appellants now submit their Brief.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents including the transmittal are, on the date indicated below, being placed in first class mail with the US Postal Service with sufficient postage, addressed to the address above.			
Name (Print/Type)	Phillip M. Pippenger		
Signature		*Date*	August 13, 2007

Real Party In Interest

The patent application that is the subject of this appeal is assigned to General Motors Corporation.

Related Appeals and Interferences

There are no appeals or interferences that are related to this appeal.

Status of Claims

Claims 1-20 and 22-24 are currently pending and the rejections of these claims are appealed. Claim 21 was previously cancelled (added per rule 41.37 requirement). Claims 1-20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb (US 2002/0143664 A1). Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb in view of Robbins (US 2002/0029386 A1). Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb in view of Robbins, and further in view of Liao (US 2003/0005466 A1).

Status of Amendments

There are no outstanding Amendments.

Summary of Claimed Subject Matter

The claimed subject matter pertains generally to a telematics subscriber event notification system. For example, an OnStar user may subscribe to one or more event notifications, and the notifications will be transmitted from the call center of the system to the subscriber's telematics unit for notification at the appropriate time. In the claimed system, the notification messages **not only** contain notification information, but also comprise a special indicator that causes an action (e.g., a change of the current radio station) to be automatically executed when the message is received.

Thus, to reiterate, the claimed system sends a notification message to the telematics unit. The notification message initiates two distinct occurrences: (1) it causes the user to be notified of the event, and (2) it causes an action to be automatically executed.

In greater detail, the independent claims on appeal are claims 1, 8, 14, and 22. Claim 1 pertains to a method for notifying a subscriber of events, the method comprising (1) receiving a subscriber event request at a call center (*see* specification as filed at page 11, lines 2-5; *see also* Fig. 3, element 310) wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle center (*see* specification as filed at page 9, lines 9-14; *see also* Fig. 1, element 180); (2) creating an event activation table based on the received subscriber event request (*see* specification as filed at page 11, lines 1-9; *see also* Fig. 2, element 210, Fig. 3, element 320); (3) sending the event activation table to an event table storage system (*see* specification as filed at page 11, lines 10-11; *see also* Fig. 3, element 330); and (4) sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed (*see* specification as filed at page 11, lines 17-19; *see also* Fig. 3, element 360; *see also* page 13, lines 14-17).

Claim 8 pertains to a computer usable medium including computer program code for notifying a subscriber of events, the computer program code comprising (1) computer program code for receiving a subscriber event request at a call center (*see* specification as filed at page 11, lines 2-5; *see also* Fig. 3, element 310) wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle (*see* specification as filed at page 9, lines 9-14; *see also* Fig. 1, element 180); (2) computer program code for creating an event activation table based on the received subscriber event request (*see* specification as filed at page 11, lines 1-9; *see also* Fig. 2, element 210, Fig. 3, element 320); (3) computer program code for sending the event activation table to an event table storage system (*see* specification as filed at page 11, lines 10-11; *see also* Fig. 3, element 330); and (4) computer program code for sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed (*see* specification as filed at page 11, lines 17-19; *see also* Fig. 3, element 360; *see also* page 13, lines 14-17).

Claim 14 pertains to a system for notifying a subscriber of events, the system comprising (1) means for receiving a subscriber event request at a call center (*see* specification as filed at page 11, lines 2-5; *see also* Fig. 3, element 310) wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle (*see* specification as filed at page 9, lines 9-14; *see also* Fig. 1, element 180); (2) means for creating an event activation table based on the received subscriber event request (*see* specification as filed at page 11, lines 1-9; *see also* Fig. 2, element 210, Fig. 3, element 320); (3) means for sending the event activation table to an event table storage system (*see* specification as filed at page 11, lines 10-11; *see also* Fig. 3, element 330), and (4) means for sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in. accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed (*see* specification as filed at page 11, lines 17-19; *see also* Fig. 3, element 360; *see also* page 13, lines 14-17).

Claim 22 pertains to a method of notifying a subscriber of events, the method comprising (1) receiving, from a subscriber at a call center facilitating communications to and from a mobile vehicle, at least one event and at least one action associated with the event (*see* specification as filed at page 11, lines 2-5; *see also* Fig. 3, element 310); (2) determining the event; and (3) transmitting a notification to the subscriber using a wireless network, the notification including instructions to automatically perform the action (*see* specification as filed at page 11, lines 17-19; *see also* Fig. 3, element 360; *see also* page 13, lines 14-17).

Grounds of Rejection to be reviewed on Appeal

Independent claims 1, 8, 14, and 22 stand rejected as obvious in view of Webb (U.S. 2002/0143664) (hereinafter "Webb"). Applicant will dedicate most of the discussion to these independent claims, since reversal of those rejections should moot the rejections of all dependent claims as well.

Argument

Although Webb ("Network Based Gift Reminder and Purchasing System and Method") does pertain generally to reminders sent over a network for events such as birthdays, the system of Webb does not operate in the manner that is expressly recited in the pending claims.

As noted above, the "notification" of the pending independent claims performs two functions, one of which is to notify the user of the event, the other of which is to automatically execute an action (e.g., changing the radio station, etc.) The notification of Webb does not serve both these functions, but rather serves only the first. That is, the notification of Webb does not cause an action to be automatically executed; it just notifies.

The Examiner has attempted to counter this logic by arguing that Webb's notification indeed serves the recited dual function. However, the Examiner's arguments are self-refuting. Consider the Final Action at page 3. The Examiner argues that the notification of Webb is dual purpose because the recited "action" encompasses Webb's "automatically querying the Internet" to derive links which are later included in the notification. Even assuming this is accurate, it is still completely irrelevant for one simple reason: Webb's notification **includes** the results of the queries – it doesn't **cause** the queries. So even if Webb's queries are deemed to be an action, they take place **before** the notification is even sent. They logically could not have been **caused by** the notification.

By analogy, consider the case of letter writing. In analogy to the pending claims, an arriving letter gives the user a notification and causes a later action. In the Webb system, an action occurs (the Internet queries), and is memorialized in the letter (as links) which is then sent. In the first case, the letter **causes** an action. In the second case, the letter merely **describes** an action that already occurred. These are not the same thing.

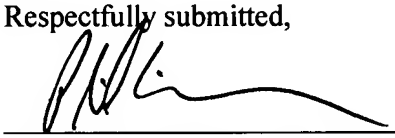
The Examiner, when questioned regarding the above problems with Webb, responded that the applicant's "action" would encompass ANY action in Webb, regardless of whether the action occurs before or after the notification. *See* Advisory Action dated December 19, 2006. However, the Examiner's response utterly ignores the actual claim language, which expressly requires the recited "action" to be **caused by** the notification. *See* Claims 1, 8, 14 ("... subscriber notification including an indicator of an action ...to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed."); Claim 22 ("... the notification including instructions to automatically perform the action.")

The Examiner attempts to rationalize the rejections by simply denying that the recited notification must **cause** the action. *See* Advisory Action at page 3, second full paragraph. However, the claims are written in plain English and they are crystal clear on this point. The

applicant is asking for nothing more than the opportunity to prosecute the claims as they were written, rather than with selected limitations ignored when convenient.

So, does Webb teach a "notification"? Sure. Does Webb teach an "action"? Sure (querying prior to the notification). Does the notification of Webb **cause** the action of Webb? No, Webb operates in the opposite manner-- Webb's query occurs **before** the notification and is itself the basis for the notification. And despite the Examiner's protestations, the element of causation **is** an express limitation of every pending independent claim, and its absence from Webb is an indicator of substantial differences between the systems. Thus, Webb fails to teach at least one limitation of every independent claim, and cannot render any pending claim unpatentable.

Respectfully submitted,



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Date: August 13, 2007

Claims Appendix

1. (Previously Presented) A method for notifying a subscriber of events, the method comprising:

receiving a subscriber event request at a call center wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle;

creating an event activation table based on the received subscriber event request;

sending the event activation table to an event table storage system; and

sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed.

2. (Original) The method of claim 1, further comprising;

determining a current notification system activity;

suspending the current notification system activity for the duration of the subscriber notification; and

resuming the current notification system activity upon termination of the subscriber notification.

3. (Original) The method of claim 1, wherein receiving the subscriber event request comprises:

receiving at least one event with an associated notification date and time.

4. (Original) The method of claim 3, wherein creating the event activation table comprises:

linking the received event and the associated notification date and time with an access identifier.

5. (Original) The method of claim 1, wherein sending the event activation table to the event table storage system comprises:

establishing a data connection between the call center and the event table storage system; and

transmitting the event activation table from the call center to the event table storage system using the data connection.

6. (Original) The method of claim 4, wherein sending the subscriber notification comprises:

reading a time signal of a real time clock;

determining when the time signal corresponds with at least one date and time from the event activation table;

activating an event notification system based on the determination; and providing the event in accordance with the linked access identifier.

7. (Original) The method of claim 1, wherein the event table storage system is a telematics unit.

8. (Previously Presented) A computer usable medium including computer program code for notifying a subscriber of events, the computer program code comprising;

computer program code for receiving a subscriber event request at a call center wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle:

computer program code for creating an event activation table based on the received subscriber event request;

computer program code for sending the event activation table to an event table storage system; and

computer program code for sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed.

9. (Original) The computer usable medium of claim 8, further comprising:

computer program code for determining a current notification system activity;

computer program code for suspending the current notification system activity for the duration of the subscriber notification; and

computer program code for resuming the current notification system activity upon termination of the subscriber notification.

10. (Original) The computer usable medium of claim 8, wherein the computer program code for receiving the subscriber event request comprises: computer program code for receiving at least one event with an associated notification date and time.

11. (Original) The computer usable medium of claim 10, wherein the computer program code for creating the event activation table comprises: computer program code for linking the received event and the associated notification date and time with an access identifier.

12. (Original) The computer usable medium of claim 8, wherein the computer program code for sending the event activation table to the event table storage system comprises:

computer program code for establishing a data connection between the call center and the event table storage system; and

computer program code for transmitting the event activation table from the call center to the event table storage system using the data connection.

13. (Original) The computer usable medium of claim 11, wherein the computer program code for sending the subscriber notification comprises:

computer program code for reading a time signal of a real time clock;

computer program code for determining when the real time signal corresponds with at least one date and time from the event activation table;

computer program code for activating an event notification system based on the determination; and

computer program code providing the event in accordance with the linked access identifier.

14. (Previously Presented) A system for notifying a subscriber of events, the system comprising:

means for receiving a subscriber event request at a call center wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle:

means for creating an event activation table based on the received subscriber event request;

means for sending the event activation table to an event table storage system, and

means for sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in. accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed.

15. (Previously Presented) The system of claim 14, further comprising;

means for determining a current notification system activity;

means for suspending the current notification system activity for the duration of the subscriber notification; and

means for resuming the current notification system activity upon termination of the subscriber notification.

16. (Original) The system of claim 14, wherein the means for receiving the subscriber event request comprises: means for receiving at least one event with an associated notification date and time.

17. (Original) The system of claim 16, wherein the means for creating the event activation table comprises: means for linking the received event and the associated notification date and time with an access identifier.

18. (Original) The system of claim 17, wherein the means for sending the subscriber notification comprises:

means for reading a time signal of a real time clock;

means for determining when the real time signal corresponds with at least one date and time from the event activation table;

means for activating an event notification system based on the determination; and

means providing the event in accordance with the linked access identifier.

19. (Original) The system of claim 14, wherein the event table storage system is a telematics unit.

20. (Original) The system of claim 14, wherein the event notification system is a multimedia system.

21. (Cancelled)

22. (Previously Presented) A method of notifying a subscriber of events, the method comprising:

receiving, from a subscriber at a call center facilitating communications to and from a mobile vehicle, at least one event and at least one action associated with the event;

determining the event; and

transmitting a notification to the subscriber using a wireless network, the notification including instructions to automatically perform the action.

23. (Previously Presented) The method of claim 22 wherein the event is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station.

24. (Previously Presented) The method of claim 22 wherein the event is a stock quote for a predetermined stock at a predetermined time, and wherein the action includes retrieving a stock quote for the predetermined stock at the predetermined time and providing the stock quote to the subscriber within a mobile vehicle using a text to speech synthesizer.

Evidence Appendix

None

Related Proceedings Appendix

None